

## REMARKS

The Applicant submits the current Amendment in conjunction with a Request for Continued Examination of the present application filed concurrently with this Amendment. By this amendment, claim 21 has been amended to overcome the Examiner's rejections stated in the final Office Action.

The finality of the Applicant's election (with traverse) is acknowledged.

Claims 21 and 23-30 stand rejected under Section 102(b) as anticipated by Jerbic (5,500,076). As discussed in the application at paragraph [0022], the Applicant's invention attempts to overcome certain disadvantages of the prior art etch trim process. By real time monitoring of the oxygen radical concentration in the plasma and maintaining a relatively constant oxygen radical concentration, the etch trim rate stabilizes and thus an appropriate trim duration is easily determinable.

As can be seen from the marked-up version of claim 21 above, the Applicant has amended that claim to include references to the etch trim process. In the last paragraph of the claim, the Applicant has added the element, "providing a substantially constant etchant gas concentration during the etch trim rate process, thereby resulting in a determinable etch trim process duration." The amendments set forth herein have not introduced new matter into the specification. Support for these changes can be found in paragraph [0022] of the application as filed.

It is suggested that this Amendment renders the claim patentably distinct from Jerbic that discloses increasing or decreasing the flow of a reactive component into the processing chamber to return a ratio of a reactive and a non-reactive component back to a predetermined point. Jerbic does not disclose or suggest the problem of an etch trim duration nor does he recognize that a determinable etch trim duration results in better control over the etch trim process.

Claim 22 stands rejected under Section 103(a) as unpatentable over Jerbic in view of the Applicant's admitted prior art.

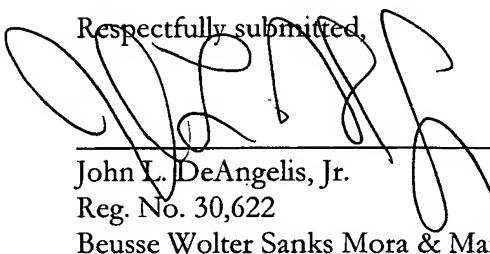
Dependent claims 22-30 each further distinguish the invention as each defines a novel and non-obvious combination of additional features. It is therefore respectfully submitted that dependent claims 22-30 are also allowable over the cited art.

It is believed that the claims as presented herein in conjunction with the Request for Continued Examination distinguish the invention from the art of record. It is therefore

respectfully requested that the Examiner reconsider his rejections and issue a Notice of Allowance for all claims pending in the application.

If a telephone conference will assist in clarifying or expediting this Amendment or the claim changes made herein, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,

  
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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing Request for Continued Examination Amendment is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 10th day of March, 2006.

  
Pamela A. Pagel